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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9
5-19-04First Named
Inventor : Kevin R. Lillard

Appln. No.: 09/488,091

Filed : January 18, 2000

For : A SYSTEM AND METHOD FOR
MONITORING PRINT CONSUMABLES
OF A PRINTING DEVICE

Group Art Unit: 2622

Examiner: Chan S.
Park**RECEIVED**

Docket No.: P31.12-0009

MAY 17 2004

RESPONSE

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450I HEREBY CERTIFY THAT THIS PAPER IS BEING
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COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450, THIS10TH DAY OF MAY, 2004.

PATENT ATTORNEY

This is in response to the Office Action mailed on February 26, 2004, in which the Examiner rejected claims 1-22. Reconsideration of the application is respectfully requested.

In the Office Action, the Examiner rejected claims 1-7, 10-13, 15-18 and 20-22 under 35 U.S.C. §103(a) as being unpatentable over Owa et al. (U.S. Patent No. 6,348,971) in view of Bradshaw et al. (U.S. Patent No. 6,264,295). Applicant respectfully disagrees with the Examiner's assessment of the cited references.

Owa et al. fail to disclose methods that include steps of either "determining a requested print consumable amount defined as an amount of print consumable needed to render the print job" as provided in independent claim 1, or "determining a single print consumable amount for an image file of the print job defined as an amount of print consumable needed by the printing device to render the image file" as described in independent claim 15. Additionally, Owa et al. fail to disclose a system that includes a print consumables monitoring module that is configured to "determine a requested print consumable amount defined as an

amount of print consumable needed to process the print job" as described in independent claim 15. Applicant disagrees with the Examiner's finding that Owa et al. disclose such claimed steps and system features at column 7, lines 31-32, where Owa et al. mention the issuance of a print execution command of a 20-page document in accordance with a user's instruction. Nowhere in the cited section of Owa et al. is there any disclosure related to a determination of a requested print consumable amount that is required to render the print job. Accordingly, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness against independent claims 1, 15 and 22, since the cited references fail to disclose or suggest all of the features of those claims. Therefore, Applicant requests that the rejections be withdrawn.

Additionally, Applicant submits that claims 2-14 and 16-21 are allowable as being dependent from allowable base claims 1 and 15, respectively, and requests that the rejections of those claims be withdrawn.

Also in the Office Action, the Examiner rejected claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over the combination of Owa et al. and Bradshaw et al., and further in view of Itoh et al. (U.S. Patent No. 6,603,567). In light of the discussion above, Applicant submits that claims 8 and 9 are allowable as being dependent from independent claim 1, which is believed to be allowable for the reasons set forth above. Accordingly, Applicant requests that the rejections of claims 8 and 9 be withdrawn.

The Examiner also rejected claims 14 and 19 under 35 U.S.C. §103(a) as being unpatentable over the combination of Owa et al. and Bradshaw et al., and further in view of Springett (U.S. Patent No. 5,636,032). In light of the discussion above, Applicant submits that claim 14 is allowable as being dependent from allowable base claim 1, and requests that the rejection be

withdrawn. Similarly, Applicant submits that claim 19 is allowable as being dependent from allowable base claim 15, and requests that the rejection be withdrawn.

In view of the above comments and remarks, Applicant submits that the present application is in condition for allowance. Reconsideration and favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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